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10/670,570

09/26/2003

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EXAMINER

DHINGRA, PAWANDEEP

ART UNIT

PAPER NUMBER

2625

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |                                       |  |
|------------------------------|---|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/670,570    | <b>Applicant(s)</b><br>OHSHIMA ET AL. |  |
|                              | <b>Examiner</b><br>PAWANDEEP S. DHINGRA | <b>Art Unit</b><br>2625               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-13 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-13 and 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- This action is responsive to the following communication: Request for continued examination (RCE) filed on 5/11/2009.
- Claims 9-13, and 16-25 are now pending.

### ***Response to Arguments***

Applicant's amendments, filed 5/11/2009 have been entered and fully considered.

Applicant's arguments filed 5/11/2009 have been fully considered but they are not persuasive.

Applicant argues that applied references fail to teach *"RIP data of the RIP processing that identifies an item of the RIP processing executed on the image data" wherein "a first accounting amount calculation unit that calculates a first accounting amount by using the RIP data of the RIP processing" as recited in claim 9.*

In reply, examiner asserts that combination of references— Komiya and Minowa have shown to successfully teach all the above argued limitation, please see rejection of claim 9 below.

Applicant further argues that *"the applied references fails to result in "wherein the first accounting amount includes costs of image processing but not including costs of image formation" as recited in claim 23.*

In reply, examiner asserts that Komiya discloses that POD server 110 calculates test printing charge for test printing as a first accounting amount. The test printing accounting amount includes cost of test printing but does not include cost of image

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formation {actual printing}. Actual printing is considered as image formation and for which accounting amount is calculated separately from test printing accounting amount. Test printing is considered as image processing performed before performing the actual image formation processing, see figs. 8, 10-13 with corresponding text. Examiner further notes that applicant's disclosure also discloses actual printing as image formation.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/2009 has been entered.

***Examiner Notes***

Examiner cites particular paragraphs, columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-13 and 16-25 are rejected under 35 U.S.C. 103 as being unpatentable over Komiya, US 2002/0196452 in view of Minowa et al, US 2003/0020951.

Re claim 9, Komiya discloses an accounting apparatus (POD server 110, fig. 3) for charging for a process for image data, executed in response to a request from a requester (element 101, fig. 1; S1201, fig. 12), wherein the process for the image data includes at least some processing for the image data (see figures 10-13 with text), the accounting apparatus comprising: a receiving unit (see paragraph 85) that receives data of the processing that identifies an item of the processing executed on the image data (see figs. 7, 10-13 with text); a storing unit (element 306, fig. 3) that stores a first relationship between a condition of the processing (printing condition) and an accounting amount for the condition of the processing (printing condition) (see paragraphs 51-54; figs. 7, 10-13 with text); a first accounting amount calculation unit (POD server 110, fig. 3) that calculates a first accounting amount (see paragraph 54, figs. 8, 10-13 with corresponding text, note that POD server 110 calculates test printing charge for test printing as a first accounting amount) by using the data of the processing received by the receiving unit and the first relationship (see figures 8, 10-13 with text);

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and an accounting unit (POD server 110, fig. 3) that executes a first accounting processing of charging the requester, which has made the request for the image processing, for the calculated first accounting amount (see figs. 8, 10-13 with text).

Komiya fails to explicitly disclose the process for the image data includes at least a RIP processing for the image data; a receiving unit that receives RIP data of the RIP processing that identifies an item of the RIP processing executed on the image data; a storing unit that stores a first relationship between a condition of the RIP processing and an accounting amount for the condition of the RIP processing; a first accounting amount calculation unit that calculates a first accounting amount by using the RIP data of the RIP processing received by the receiving unit and the first relationship; and an accounting unit that executes a first accounting processing of charging the requester, which has made the request for the image processing, for the calculated first accounting amount.

However, Minowa teaches an accounting apparatus (see figure 1) comprising: the process for the image data includes at least a RIP processing for the image data (see paragraphs 146-149); a receiving unit that receives RIP data of the RIP processing (see figure 1 with corresponding text; paragraphs 131, 144-150, note that RIP processing is performed by printing company 2 to create raster data (RIP data) which is used to create ink consumption amount information, and this ink information is sent to (received by) management company 3) that identifies an item of the RIP processing (i.e. resolution) executed on the image data (note that RIP data is generated by the RIP processing according to various printing conditions (fig.4), e.g. resolution, etc. RIP data

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differs based on resolution of the image data and ink consumption amount information differs based on RIP data. Thus received ink information identifies the resolution of the RIP performed on the image data, see paragraphs 146-159); a storing unit (printing company 2 has storage means, figure 1) that stores a first relationship between a condition of the RIP processing and an accounting amount for the condition of the RIP processing (see paragraphs 29-32, 146-153, 175 note that ink consumption amount is based upon the resolution condition of the RIP processing and from ink consumption information, the accounting amount for the processing is calculated); a first accounting amount calculation unit (management company 3, fig. 1) that calculates a first accounting amount (first accounting amount includes both accounting amount of ink consumption for printing and non-printing purposes) by using the RIP data of the RIP processing received by the receiving unit and the first relationship (see paragraphs 29-32, 146-159, 169-178, 194); and an accounting unit (management company 3, fig. 1) that executes a first accounting processing of charging the requester (printing company 2, fig. 1), which has made the request for the image processing, for the calculated first accounting amount (see paragraphs 135, 175-178, 194).

It would have been advantageous to modify the image processing system of Komiya to include RIP processing system and techniques of Minowa for the benefit of having a "printing cost calculation system that is capable of efficiently and rapidly calculating accurate printing cost" as taught by Minowa at paragraph 10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the apparatus of Komiya with the apparatus of Minowa to reach the aforementioned advantage.

Re claim 10, Komiya further discloses a second accounting amount calculation unit (POD server 115, see figures 1, 3 with text, note that POD server 115 has same configuration as shown for POD server 110 in fig. 3) that calculates a second accounting amount for image formation processing of the image data which is processed by the image processing, the image formation processing being a processing which prints an image of a recording medium (see figures 8, 10-13; paragraphs 56-81, 85-107, note that POD server 115 calculates printing charge for actual printing), wherein: the receiving unit receives data of the image formation processing (see figure 1, element 105 and S1201 and S1301 in figs. 12-13); the storing unit (element 306, fig. 3, note that POD server 115 has same configuration as shown for POD server 110 in fig. 3, see figure 1, 3 with text) stores a second relationship between a condition of the image formation processing (printing conditions, fig. 7) and an accounting amount for the condition of the image formation processing (see figures 7-8, 10-13; paragraphs 37-48, 54-81, 85-107); the second accounting amount calculation unit calculates a second accounting amount by using the data of the image formation processing received by the receiving unit and the second relationship (see figures 8, 10-13; paragraphs 37-48, 56-81, 85-107, POD server 115 calculates printing charge for actual printing as a second accounting amount); and the accounting unit (see figures 1, 3 with text) executes a second accounting processing of charging the requestor for calculated second accounting amount (see figures 8, 10-13; paragraphs 56-81, 85-107).



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Minowa teaches a second accounting amount calculation unit (see figures 1-2; paragraphs 29-32) that calculates a second accounting amount (second accounting amount includes accounting amount of ink consumption for printing purposes only) for image formation processing of the image data which is processed by the RIP processing (see paragraphs 29-32, 144-153, 175-178, 194), the image formation processing being a processing which prints an image of a recording medium (see paragraphs 25-32, 170-175). Minowa also further teaches a receiving unit receives data of the image formation processing (see management company 3, figure 1); the storing unit (management company 3 has storage means, figure 1) stores a second relationship between a condition of the image formation processing and an accounting amount for the condition of the image formation processing (see paragraphs 25-32, 169-178, 194, note that from ink consumption information for just printing purposes, the accounting amount for just the print processing is calculated); the second accounting amount calculation unit (see figures 1-2; paragraphs 29-32) calculates a second accounting amount by using the data of the image formation processing received by the receiving unit and the second relationship (see paragraphs 29-32, 170-178, 194).

Re claim 11, Komiya further discloses the requester includes a first requester apparatus (see element 101, fig. 1) and a second requester apparatus (see element 105 with 115, fig.1); and the first accounting amount calculation unit (POD server 115, fig. 1) increases the first accounting amount for the first requester apparatus when the second requester apparatus executes the image processing requested by the first requester apparatus (see figures 8, 10-13; paragraphs 15-16, 56-81, 85-107, note that

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print shop 113 could be selected for outputting both test and actual print data in figure 10. Furthermore, the accounting amount for the first requester apparatus will increase, if test printing is also desired by the first requestor apparatus in addition to the actual printing).

Re claim 12, Komiya further discloses the requester includes a first requester apparatus (see element 101, fig. 1) and a second requester apparatus (see element 105 with 115, fig.1); and the first accounting amount calculation unit (POD server 115, fig. 1) decreases the first accounting amount for the second requester apparatus when the second requester apparatus executes the image processing requested by the first requester apparatus and then the image processing requested by the second requester apparatus is executed (see figures 8, 10-13; paragraphs 15-16, 56-81, 85-107, note that print shop 113 could be selected for outputting both test and actual print data in figure 10. Furthermore, the accounting amount for the requester apparatus will decrease, if only actual printing and no test printing is desired by the first requestor apparatus, and then second requester apparatus performs the actual printing as requested).

Re claim 13, Komiya further discloses the request for the image processing designates details of the image processing (see figures 7-8, 10-13); and the first accounting amount calculation unit calculates the first accounting amount on the basis of the designated details of the image processing (see figures 7-8, 10-13; paragraphs 56-81, 85-107).

Re claim 16, claim 16 recites identical features, as claim 9, except claim 16 is a method claim. Thus, arguments made for claim 9 are applicable for claim 16.

Re claim 17, claim 17 recites identical features, as claim 11, except claim 17 is a method claim. Thus, arguments made for claim 11 are applicable for claim 17.

Re claims 18-19, claims 18-19 recite identical features, as claims 16-17, except claims 18-19 merely deals with executing the method of claims 16-17 on a computer. Thus, arguments made for claims 16-17 are applicable for claims 18-19.

Re claim 20, Komiya further discloses the first relationship includes a plurality of relationships between a plurality of conditions (see figure 7) of the image processing and a plurality of accounting amounts (see figures 8, 10-13, paragraphs 56-81, 85-107), each of the accounting amounts corresponding to each of the conditions (see figures 8, 10-13, paragraphs 56-81, 85-107).

Minowa teaches the first relationship includes a plurality of relationships between a plurality of conditions (see figure 3) of the RIP processing (see paragraphs 146-149) and a plurality of accounting amounts (see figures 3-5, paragraphs 170-175), each of the accounting amounts corresponding to each of the conditions (see figures 3-5; paragraphs 170-175).

Re claim 21, Komiya further discloses the condition includes at least one of a file size and a number of pages (see figure 7).

Minowa also teaches the condition includes at least one of a file size and a number of pages (see figure 3).

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Re claim 22, Komiya further discloses the accounting unit starts to execute the first accounting processing before the image formation processing is executed (see figures 8, 10-13 with text).

Minowa also teaches the accounting unit starts to execute the first accounting processing before the image formation processing is executed (see paragraphs 25-32, 131-135, 170-178).

Re claim 23, Komiya further discloses wherein the first accounting amount includes costs of image processing but not including costs of image formation (see paragraph figs. 8, 10-13 with corresponding text, note that POD server 110 calculates test printing charge for test printing as a first accounting amount. The test printing accounting amount includes cost of test printing but does not include cost of image formation {actual printing}. Actual printing is considered as image formation and for which accounting amount is calculated separately from test printing accounting amount. Test printing is considered as image processing performed before performing the actual image formation processing. Examiner further notes that applicant's disclosure also discloses actual printing as image formation).

Re claims 24-25, claims 24-25 recites identical features, as claim 23, except claim 24 is a method claim and claim 25 claims merely deals with executing the method of 24 on a computer. Thus, arguments made for claim 23 are applicable for claims 24-25.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP S. DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./  
Examiner, Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625